

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

26603

FILE: B-213302

DATE: October 31, 1983

MATTER OF: Moore Service, Inc.

## DIGEST:

1. Small Business Administration has conclusive authority to determine matters of small business size status for procurement purposes.
2. GAO will not review affirmative determination of responsibility absent a showing of exceptions not applicable to immediate case.

Moore Service, Inc. (Moore), protests the award of a contract for refuse collection and disposal to Patricia Gonzales (Gonzales) by Kelly Air Force Base, Texas, under solicitation No. F41800-83-B-0284, a small business set-aside. Moore contends that Gonzales is not a small business and is not a responsible contractor.

Under 15 U.S.C. § 637(b)(6) (1982), the Small Business Administration has conclusive authority to determine matters of small business size status for procurement purposes. Therefore, our Office does not review questions of bidders' small business size status. Arcata Associates, Inc., B-210315, January 11, 1983, 83-1 CPD 30.

In addition, because an affirmative determination of responsibility is largely a subjective business judgment, our Office does not review the determination absent a showing that it was made fraudulently or in bad faith or that definitive responsibility criteria contained in the solicitation were not applied. 4 C.F.R. § 21.3(g)(4) (1983), as amended by 48 Fed. Reg. 1932 (1983); Consolidated Marketing Network, Inc.; Four Star Maintenance Corporation, B-210314; B-210314.2, February 7, 1983, 83-1 CPD 134. Neither exception applies here.

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The protest is dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel